

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 11.02.1.C.1 to allow lot widths of 50' in lieu of the required 55 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To meet County zoning requirements to build on an undersized building lot where the code requires 55 feet. We are asking for a 50 foot variance on lots 406, 407 and 408, 409.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Notary Public for Petitioner: _____
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Address _____
Phone No. _____

ORDERED BY The Zoning Commissioner of Baltimore County, this 9th day of December, 1980, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 10th day of February, 1981, at 9:45 o'clock A.M.

Zoning Commissioner of Baltimore County.

BALTIMORE COUNTY

ZONING PLANS

ADVISORY COMMITTEE



PETITION AND SITE PLAN

EVALUATION COMMENTS

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

January 30, 1981

RE: Item No. 109
Petitioner - Charles E. Kelley
Variance Petition

Dear Mr. Kelley:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted to this office from the committee members at this time. The remaining members felt that no comment was warranted. This petition was accepted for filing on the 9th of the enclosed certificate and a hearing scheduled accordingly.

Very truly yours,

NICHOLAS J. COMODARI
Chairman
Zoning Plans Advisory Committee

WBO:bco

Enclosures

cc: Lewis & Selby Land Surveyors
1205 Hillshing Road
Baltimore, Md. 21222



BALTIMORE COUNTY
DEPARTMENT OF PUBLIC WORKS
TOWSON, MARYLAND 21204

HARRY J. PISTEL, P.E.
DIRECTOR

January 19, 1981

Mr. William E. Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Re: Item #109 (1980-1981)
Property Owner: Charles E. Kelley
S/S Arbutus Avenue 460' E. of Century Avenue
Acres: 100 x 125 District: 13th

Dear Mr. Hammond:

The following comments are furnished in regard to the plat submitted to this office for review by the Zoning Advisory Committee in connection with the subject item.

Highways:

Arbutus Avenue, an existing public road, is proposed to be improved in the future, as a 30-foot closed section roadway on a 50-foot right-of-way. Highway right-of-way widening, including any necessary reversible easements for slopes will be required in connection with any grading or building permit application.

Sediment Control:

Development of this property through stripping, grading and stabilization could result in a sediment pollution problem, damaging private and public holdings downstream of the property. A grading permit is, therefore, necessary for all grading, including the stripping of top soil.

Storm Drains:

The Petitioner must provide necessary drainage facilities (temporary or permanent) to prevent creating any nuisances or damages to adjacent properties, especially by the concentration of surface waters. Correction of any problem which may result, due to improper grading or improper installation of drainage facilities, would be the full responsibility of the Petitioner.

Water and Sanitary Sewer:

As indicated, there is a public 12-inch water main and 8-inch public sanitary sewerage in Arbutus Avenue.

Very truly yours,

JOSEPH A. MORROW, P.E. Chief
Bureau of Public Services

RAM:EAM:FWR:ss

cc: J. Wimbley, J. Somers, J. Tremner
G-SE Key Sheet, 19 & 20 SW 6 Pos. Sheets
SW 5 B Topo, 109 Tax Map

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Nick Comodari Date: January 16, 1981
FROM: Charles E. (Ted) Burnham
SUBJECT: Zoning Advisory Committee Meeting December 9, 1980

ITEM #109 Standard Comment
ITEM #110 See Comments
ITEM #111 Standard Comment
ITEM #112 See Comments

Charles E. Burnham
Charles E. (Ted) Burnham
Plans Review Supervisor

CSW:rrj



BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
TOWSON, MARYLAND 21204
494-3211

NORMAN E. GERBER
DIRECTOR

December 31, 1980

Mr. William Hammond, Zoning Commissioner
Zoning Advisory Committee
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #109, Zoning Advisory Committee Meeting, December 9, 1980, are as follows:

Property Owner: Charles E. Kelley
Location: S/S Arbutus Avenue 460' E of Century Avenue
Acres: 100 X 125
District: 13th

This office has reviewed the subject petition and offers the following comments. These comments are not intended to indicate the appropriateness of the zoning in question, but are to assure that all parties are made aware of plans or problems with regard to development plans that may have a bearing on this petition.

The property is in a Sewer Deficient Area.

Very truly yours,

John L. Wimbley
John L. Wimbley
Planner III
Current Planning and Development



BALTIMORE COUNTY
DEPARTMENT OF HEALTH
TOWSON, MARYLAND 21204

DONALD J. ROOP, M.D., M.P.H.
DEPUTY STATE & COUNTY HEALTH OFFICER

December 15, 1980

Mr. William E. Hammond, Zoning Commissioner
Office of Planning and Zoning
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

Comments on Item #109, Zoning Advisory Committee Meeting of December 9, 1980, are as follows:

Property Owner: Charles E. Kelley
Location: S/S Arbutus Avenue 460' East of Century Ave.
Existing Zoning: D.R. 5-5
Proposed Zoning: Variance to allow lot widths of 50' in lieu of the required 55'.
Acres: 100 X 125
District: 13th

Metropolitan water and sewer exists; therefore, no health hazards are anticipated.

Very truly yours,
Jan V. Forrest, Director
BUREAU OF ENVIRONMENTAL SERVICES

LJP/mw



BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204
825-7310

PAUL H. RENCKE
CHIEF

Mr. William Hammond
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, Maryland 21204

Attention: Nick Comodari, Chairman
Zoning Plans Advisory Committee

RE: Property Owner: J. Kelley

Location: S/S Arbutus Avenue 460' E of Century Avenue

Item No.: 109 Zoning Agenda: 1980-1981

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals of _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at: _____

EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

() 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWED BY: [Signature] Noted and Approved: [Signature]
Planning Group Fire Prevention Bureau
Special Inspection Division

/mb

8888 RECEIVED FOR FILING

DATE January 12, 1981

BY [Signature]

Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that strict compliance with the Baltimore County Zoning Regulations would/would not result in practical difficulty and unreasonable hardship upon the Petitioner(s) and the granting of the variance(s) requested will/will not adversely affect the health, safety, and general welfare of the community, the variance(s) should/should not be granted.

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 12th day of February, 1981, that the herein Petition for Variance(s) to permit lot widths of fifty feet in lieu of the required fifty-five feet, for the expressed purpose of constructing single-family dwellings on Lot Nos. 406-407 and 408-409, as shown and designated on the plat entitled English Consul Estates, Section B, as recorded among the Plat Records of Baltimore County in Plat Book No. 3, folio 109, should be and the same is GRANTED, from and after the date of this Order, subject, however, to the approval of a site plan by the Department of Public Works and the Office of Planning and Zoning.

[Signature]
Zoning Commissioner of
Baltimore County

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. DuRoi, Superintendent

Towson, Maryland - 21204

Date: December 5, 1980

Mr. William E. Hammond
Zoning Commissioner
Baltimore County Office Building
1111 West Chesapeake Avenue
Towson, Maryland 21204

Z.A.C. Meeting of: December 9, 1980

RE: Item No: 109, 110, 111, 112
Property Owner:
Location:
Present Zoning:
Proposed Zoning:

District:
No. Acres:

Dear Mr. Hammond:

None of the above have no bearing on student population.

Very truly yours,
[Signature]
Wm. Nick Petrovich, Assistant
Department of Planning

WNP/bp

ZONING DESCRIPTION

Being for the same on the South side of Arbutus Avenue at a distance of 460' ± to the centerline of Century Avenue. Being lots "406, 407, 408 and 409" Section "F" of English Consul Plat Book 3 Folio 109, 13th Election District, Baltimore County.

RE: PETITION FOR VARIANCE : BEFORE THE ZONING COMMISSIONER
S/S of Arbutus Ave., 460'
E of Century Ave., 13th District : OF BALTIMORE COUNTY
CHARLES E. KELLEY, Petitioner : Case No. 81-141-A

ORDER TO ENTER APPEARANCE

Mr. Commissioner:

Pursuant to the authority contained in Section 524.1 of the Baltimore County Charter, I hereby enter my appearance in this proceeding. You are requested to notify me of any hearing date or dates which may be now or hereafter designated therefore, and of the passage of any preliminary or final Order in connection therewith.

[Signature]
Peter Max Zimmerman
Deputy People's Counsel

[Signature]
John W. Hession, III
People's Counsel for Baltimore County
Rm. 223, Court House
Towson, Maryland 21204
494-2188

I HEREBY CERTIFY that on this 26th day of January, 1981, a copy of the foregoing Order was mailed to Mr. Charles E. Kelley, 426 Shipley Road, Linthicum, Maryland 21090, Petitioner.

[Signature]
John W. Hession, III

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Mr. W. E. Hammond
Zoning Commissioner
Norman E. Gerber, Director
Office of Planning and Zoning
Petition No. 81-141-A Item 109
Date: January 19, 1981

Petition for Variance for lot widths
South side of Arbutus Avenue, 460 feet East of Century Avenue
Petitioner- Charles E. Kelley

Thirteenth District

HEARING: Tuesday, February 10, 1981 (9:45 A.M.)

There are no comprehensive planning factors requiring comments for this petition.

[Signature]
Norman E. Gerber, Director
Office of Planning and Zoning

NEG-JGH:cb

Baltimore County
Department of Traffic Engineering
TOWSON, MARYLAND 21204
(301) 494-3650

STEPHEN E. COLLINS
DIRECTOR

March 16, 1981

Mr. William Hammond
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Hammond:

With regard to ZAC Meeting of December 9, 1980, this department has no comment for items #109, #110, #111 and #112.

Very truly yours,

[Signature]
Michael S. Flanigan
Engineer Associate II

MSF/bza

PETITION FOR VARIANCE

13th District

ZONING: Petition for Variance for lot widths
LOCATION: South side of Arbutus Avenue, 460 feet East of Century Avenue
DATE & TIME: Tuesday, February 10, 1981 at 9:45 A.M.
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Variance to allow lot widths of 50 feet in lieu of the required 55 feet

The Zoning Regulation to be excepted as follows:

Section 1802.3.C.1 - Lot Widths

All that parcel of land in the Thirteenth District of Baltimore County

Being the property of Charles E. Kelley, as shown on plat plan filed with the Zoning Department

Hearing Date: Tuesday, February 10, 1981 at 9:45 A.M.
Public Hearing: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

BY ORDER OF
WILLIAM E. HAMMOND
ZONING COMMISSIONER
OF BALTIMORE COUNTY

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING
TOWSON, MARYLAND 21204
494-3053
WILLIAM E. HAMMOND
ZONING COMMISSIONER

January 28, 1981

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

RE: Petition for Variance
S/S of Arbutus Ave., 460' E of
Century Avenue
Case No. 81-141-A

Dear Mr. Kelley:

This is to advise you that \$38.00 is due for advertising and posting of the above-property.

Please make check payable to Baltimore County, Maryland and remit to Sondra Jones, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Very truly yours,
[Signature]
WILLIAM E. HAMMOND
Zoning Commissioner

WEH:sj

81-141-A

January 12, 1981

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

NOTICE OF HEARING

RE Petition for Variance - S/S Arbutus Ave., 460' E of
Century Avenue - Case No. 81-141-A

TIME: 9:45 A.M.

DATE: Tuesday, February 10, 1981

PLACE: ROOM 106 COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE,

TOWSON, MARYLAND

William E. Hammond
ZONING COMMISSIONER OF
BALTIMORE COUNTY

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Mr. W. E. Hammond
Zoning Commissioner
FROM: Norman E. Gerber, Director
Office of Planning and Zoning
SUBJECT: Petition No. 81-141-A Item 109

Petition for Variance for lot widths
South side of Arbutus Avenue, 460 feet East of Century Avenue
Petitioner: Charles E. Kelley

Thirteenth District

HEARING: Tuesday, February 10, 1981 (9:45 A.M.)

There are no comprehensive planning factors requiring comments for this petition.

Norman E. Gerber
Norman E. Gerber, Director
Office of Planning and Zoning

NEG:JGH:ab

Office of
COLUMBIA
Publishing Corp.
10750 Little Patuxent Pkwy
Columbia, MD 21044

1981

THIS IS TO CERTIFY, that the annexed advertisement of

Petition for Variance- Arbutus Ave, Century
Ave.

was inserted in the following:

- ☐ Catonsville Times
☒ Arbutus Times

weekly newspapers published in Baltimore County, Maryland,
once a week for One successive weeks before
the 29 day of January 1981 that is to say,
the same was inserted in the issues of 1-22-81

COLUMBIA PUBLISHING CORP.

By *John W. Hessian, III*

February 18, 1981

Mr. Charles E. Kelley
426 Shipley Road
Linthicum, Maryland 21090

RE: Petition for Variances
S/S of Arbutus Avenue, 460' E
of Century Avenue - 13th Election
District
Charles E. Kelley - Petitioner
NO. 81-141-A (Item No. 109)

Dear Mr. Kelley:

I have this date passed my Order in the above referenced matter in accordance with the attached.

Very truly yours,

WILLIAM E. HAMMOND
Zoning Commissioner

WEH/srl

Attachments

cc: John W. Hessian, III, Esquire
People's Counsel

Mr. Charles E. Kelly
426 Shipley Road
Linthicum, Maryland 21090

cc: Lewis & Selby Land Surveyors
1205 Hillshire Road
Baltimore, Maryland 21222

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received and accepted for filing this 9th day
of December, 1980.

William E. Hammond
WILLIAM E. HAMMOND
Zoning Commissioner

Petitioner Charles E. Kelly

Petitioner's Attorney

Reviewed by *Nicholas B. Commodari*
Nicholas B. Commodari
Chairman, Zoning Plans
Advisory Committee

PETITION MAPPING PROGRESS SHEET

FUNCTION	Wall Map		Original		Duplicate		Tracing		200 Sheet	
	date	by	date	by	date	by	date	by	date	by
Descriptions checked and outline plotted on map										
Petition number added to outline										
Denied										
Granted by ZC, BA, CC, CA										
Reviewed by: <u>II</u>	Revised Plans: Change in outline or description <u>Yes</u> <u>No</u>									
Previous case: <u>81-4A (in 400' map)</u>	Map # <u> </u>									

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your Petition has been received this 24th day of December, 1980.

Filing Fee \$ 25.00 Received: ☒ Check

☐ Cash

☐ Other

Item 109

Petitioner Charles Kelley

Petitioner's Attorney

Submitted by *Charles Kelley*

Reviewed by *William E. Hammond*

*This is not to be interpreted as acceptance of the Petition for assignment of a hearing date.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 13th Date of Posting January 26-81
Posted for to allow lot widths of 50' in lieu of required 150'
Petitioner: Charles B. Kelley
Location of property: S/S Arbutus Avenue 460' East of Century Ave.
Location of Sign: S/S of Arbutus Ave. 460' East of Century Ave.
Remarks:
Posted by *Stephen J. Pratt* Date of return January 30-81
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. January 22, 1981

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper printed
and published in Towson, Baltimore County, Md., once a week
of one time successive weeks before the 10th
day of February, 1981 the first publication
appearing on the 22nd day of January
1981.

THE JEFFERSONIAN,

Stephen J. Pratt
Manager.

Cost of Advertisement, \$ 17.50

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 095114

DATE January 12, 1981 ACCOUNT 01-662

AMOUNT \$25.00

RECEIVED Charles E. Kelley

FOR Filing Fee for Case No. 81-141-A

VALIDATION OR SIGNATURE OF CASHIER

BALTIMORE COUNTY, MARYLAND
OFFICE OF REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No. 095148

DATE February 5, 1981 ACCOUNT 01-662

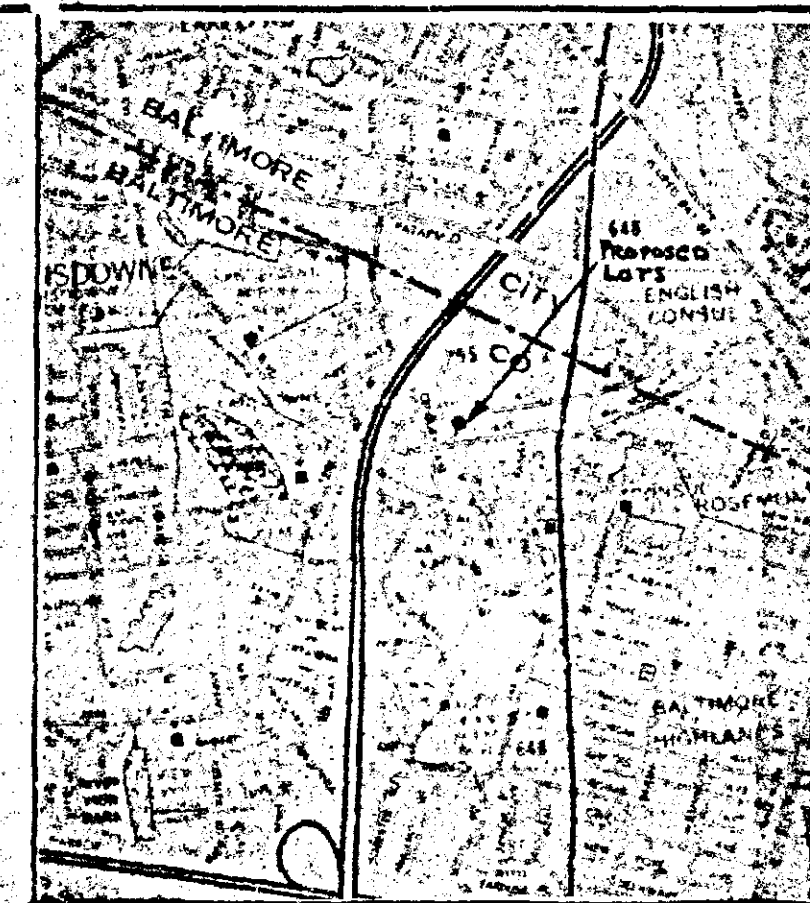
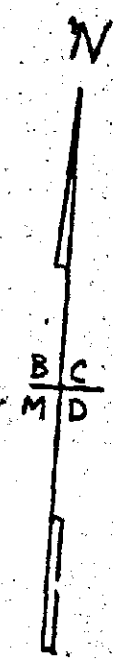
AMOUNT \$18.00

RECEIVED Charles E. Kelley

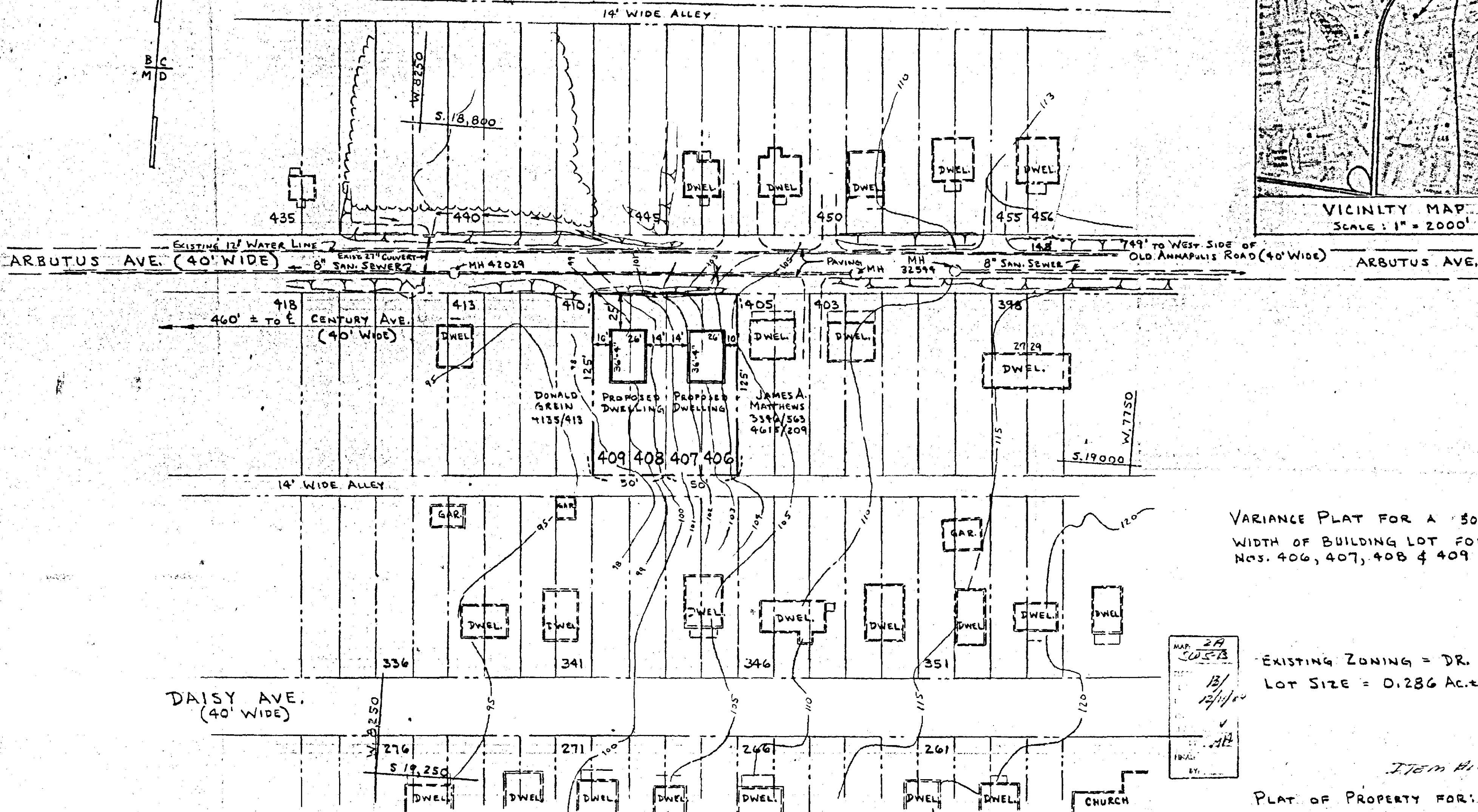
FOR Adv. & Posting for Case No. 81-141-A

VALIDATION OR SIGNATURE OF CASHIER

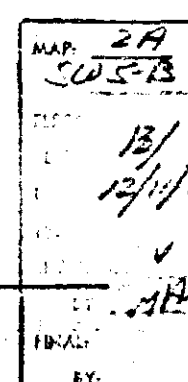




VICINITY MAP
SCALE: 1" = 2000'



VARIANCE PLAT FOR A 30 FEET
WIDTH OF BUILDING LOT FOR LOTS
Nos. 406, 407, 408 & 409



EXISTING ZONING = DR. S.5
LOT SIZE = 0.286 Ac. ± (4 LOTS)

Item #109

PLAT OF PROPERTY FOR:
MR. CHARLES E. KELLEY
426 SHIPLEY ROAD
LINTHICUM HEIGHTS, MD. 21090

8" SAN SEWER = 63-030 & 70-0149

ENGLISH CONSUL ESTATE
SECTION "B" PLAT 3:109

APPROVED, BALTIMORE COUNTY PLANNING BOARD
DIRECTOR DATE

APPROVED, DEPUTY STATE & COUNTY HEALTH OFFICER
OFFICER DATE

APPROVED, COUNTY ROADS ENGINEER
ENGINEER DATE

NOTE:
STREETS and/or ROADS shown hereon and mention thereof in deeds are for purposes of description only and the same are not intended to be dedicated to public use the fee simple title to the beds thereof is expressly reserved in the grantors of the deed to which this plat is attached their heirs and assigns.

NOTE:
COORDINATES and BEARINGS shown on this plat are referred to the system of coordinates established in The Baltimore County Metropolitan District and are based on the following traverse stations.

OWNERS CERTIFICATE:
The requirements of Section 3-108 Article 21 of the Annotated Code of Maryland.
1973 Edition as far as they relate to the preparation of this plat have been complied with.

SURVEYORS CERTIFICATE:
I MILTON C. LEWIS a Registered Land Surveyor of the State of Maryland, do hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill #459, Chapter 1016 of the Acts of 1945 and subsequent amendatory acts.



LOTS 406, 407, 408 & 409
ENGLISH CONSUL - SECT. B
13TH ELECTION DISTRICT - BALTO. COUNTY
SCALE: 1" = 50' Nov. 19, 1980

LEWIS & SELBY LAND SURVEYORS
1205 HILLSHIRE ROAD
BALTIMORE, MARYLAND 21222

VJN MCL
DRAWN BY CHECKED J.2. 80-